

PEARSON, J.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

NATHANIEL DUMAS

Plaintiff,

v.

REBECCA DOHERTY, *et al.*,

Defendants.

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CASE NO. 4:16cv2173

JUDGE BENITA Y. PEARSON

**MEMORANDUM OF OPINION AND  
ORDER**

Plaintiff *pro se* Nathaniel Dumas, an inmate at the Ross Correctional Institution, filed this *in forma pauperis* action against Defendants Mahoning County Prosecutors Rebecca Doherty and Jennifer McLaughlin, and Attorney Mark Carfolo. Plaintiff alleges in his Complaint that Defendants conspired to obtain criminal convictions against him, which resulted in his current incarceration. [ECF No. 1](#). For the reasons stated below, this action is dismissed.

A prisoner is prohibited from bringing a civil action or appealing a judgment in a civil action *in forma pauperis* if, on three or more prior occasions, the prisoner brought an action or appeal in a court of the United States that was dismissed on the grounds that it was frivolous, malicious or failed to state a claim upon which relief may be granted. [28 U.S.C. § 1915\(g\)](#). The statute makes an exception to the three-strikes rule when the prisoner is “under imminent danger of serious physical injury.” *Id.*

Dumas has on at least three prior occasions filed an *in forma pauperis* inmate civil action

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in federal court that was dismissed as frivolous or for failure to state a claim. See [Dumas v. Christian, et al.](#), No. 4:16CV1705 (N.D. Ohio Aug. 31, 2016); [Dumas v. Carfolo, et al.](#), No. 4:14CV2828 (N.D. Ohio May 8, 2015); and [Dumas v. Carfolo, et al.](#), Case No. 4:14CV1742 (N.D. Ohio Dec. 22, 2014). As there are no allegations in the instant complaint suggesting Plaintiff is in imminent danger of serious physical injury, he may not proceed *in forma pauperis*, and this case is subject to summary dismissal. [Rittner v. Kinder](#), 290 F. App'x 796, 797–98 (6th Cir. 2008).

Accordingly, this action is dismissed. The Court certifies, pursuant to [28 U.S.C. § 1915\(a\)\(3\)](#), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

September 30, 2016

Date

/s/ Benita Y. Pearson

Benita Y. Pearson

United States District Judge